

AMENDED IN ASSEMBLY JUNE 7, 2010

AMENDED IN SENATE APRIL 7, 2010

SENATE BILL

No. 903

Introduced by Senator Wright

January 26, 2010

An act to add Section 200.5 to the Labor Code, relating to employment.

LEGISLATIVE COUNSEL'S DIGEST

SB 903, as amended, Wright. Penalty collections: limitations.

Existing law provides that an action by the Division of Labor Standards Enforcement within the Department of Industrial Relations for collection of a statutory penalty or fee must be commenced within one year after the penalty or fee became final.

This bill would extend the period within which the division may commence a collection action, *as defined*, from one year to 3 years.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 200.5 is added to the Labor Code, to
2 read:
3 200.5. (a) Notwithstanding any provision of this code or
4 Section 340 of the Code of Civil Procedure, to collect a civil
5 penalty, fee, or penalty fee under this division, the Division of
6 Labor Standards Enforcement shall commence an action within
7 three years from the date the penalty or fee became final. *Upon*

1 *commencement of an action, the clerk of the superior court shall*
2 *enter judgment immediately in conformity therewith.*

3 (b) This section applies only to penalty assessments or fees that
4 became final on or after the effective date of the act adding this
5 section.

6 (c) *For purposes of this section, “commence an action” means*
7 *to file a request for entry of judgment on a civil penalty or fee with*
8 *the clerk of the superior court of the relevant county.*